

# USDA Labor Management Forum

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January 20, 2016 Minutes

## I. ADMINISTRATIVE ITEMS

The USDA Labor-Management Forum (LMF) Meeting was called to order at 1:05 p.m.

### Member Roll Call:

Labor and Designated Alternates:	Management and Designated Alternates:
Chris Ketner, AFSCME, Labor Co-chair	Bryan Knowles, DM, Management Co-Chair
Johanna Eckley, NTEU	Roberta Jeanquart, CHCO, DM
Rosalyn Livingston, AFGE	Kathy Hall, ARS
Patrick Wicklund, AFSCME	Neha Hewitt, OGC
	Marilyn Holland, APHIS
	Jacqueline Myers, FSIS
	Steve Placek, NAD
	Mark Rucker, FSA
	Thomas Scott, RD

**Other Attendees:** Joseph Abbott-FSIS, James Brent-OHRM, Phil Brown-FSIS, Dr. Edwin Cierpial, Jr.-OHRM, John DeCato-OHRM, Ted Kaouk-OCIO, Chris Nelson-OBPA, Dianna Parker-NFC, Ed Rall-FSA

**Note Takers:** Debbie Clark, Myron Greenhow and Adrian Lindsey

## II. DISCUSSION

**Introduction:** **Bryan Knowles**, Employee and Labor Relations Division Director and USDA LMF Management Co-chair, called the meeting to order. After all participants introduced themselves, **Knowles** requested a motion to accept the minutes of the October 28, 2015 USDA LMF Meeting. **Marilyn Holland**, APHIS Deputy Administrator, Marketing and Regulatory Programs Business Services, moved to adopt the minutes; **Joseph Abbott**, FSIS Human Resources Director, seconded the motion. **Knowles** indicated they should be posted to the website within a week.

**Knowles** informed the group the order of items being presented is going to be somewhat different than what was indicated on the agenda. He then introduced **James Brent**, OHRM

Program Manager for Employee Engagement, to discuss the 2016 Employee Engagement Initiatives.

**2016 Employee Engagement Initiatives:** **Brent** began by referencing the memo issued in late November 2015 by **Dr. Gregory Parham**, the USDA Assistant Secretary for Administration, which outlines the USDA Employee Engagement and Organizational Performance Action Plan for 2016. This information has been available in past years, but documentation of the Action Plan is important this year because of the very specific goals that have been set. **Brent** indicated one of the goals set by the Office of Personnel Management (OPM) is to increase the government-wide average score on the Employee Engagement index from 63 to 67%; our goal within USDA has been set at 68%. **Brent** stated a lot has been done to improve results in USDA; in the past two years, USDA has the second biggest jump for large agencies—only the Department of Labor had a greater increase. The Action Plan identifies specific actions to be taken and a white board reporting format has been developed for agencies to report progress on a monthly basis. **Brent** indicated the reports will be sent to him; he will consolidate and forward the information to **Roberta “Bobbi” Jeanquart**, USDA Chief Human Capital Officer, and **Dr. Parham**, highlighting areas of concern or areas where we seem to be falling short. **Brent** stated the memo is the most comprehensive document compiled to date regarding employee engagement. **Johanna Eckley**, National Treasury Employees Union (NTEU) Chapter 226 President, asked if there is a POC in each agency responsible for reporting this data; **Brent** replied each agency has an Employee Engagement representative or Federal Employee Viewpoint Survey (FEVS) POC that will handle this responsibility and the memo has been sent to them. **Chris Ketner**, Labor Co-chair and American Federation of State, County and Municipal Employees (AFSCME) Union Representative, asked whether issues and problems will be shared; **Brent** indicated they will be shared and employees will be encouraged to provide feedback and communicate successes. **Brent** added the memo has a sample for how to provide information and best practices, and a toolkit will be sent to agencies with best practices across the government, not just USDA. **Ketner** referenced **Brent’s** participation in a focus group a few weeks ago and wanted to know if that was something different from these initiatives. **Brent** stated it was something different—as the Employee Engagement representative for the entire Department, he is often requested to facilitate listening sessions across USDA. **Jeanquart** added that having an Employee Engagement representative at the Department level provides a neutral party outside agencies to facilitate sessions and assist them with various issues they may have. **Brent** ended his presentation by leaving documents regarding the Action Plan for the group. **Knowles** then introduced **Jeanquart** to address the forum (in lieu of Tina Hoellerer) on Transit Subsidy Retroactive Benefits.

**Transit Subsidy Retroactive Benefits Increase:** **Jeanquart** indicated the recent Consolidated Appropriations Act of 2016 approved by Congress and signed into law on December 18, 2015, provided for an increase in the monthly pre-tax mass transit subsidy benefits up to a maximum of \$255 for 2016, and a retroactive increase for 2015 to \$250. **Jeanquart** stated that it was OHRM’s understanding that the transit subsidy benefit system, operated by Department of Transportation TRANServe, would automatically increase participating employees’ transit benefits up to \$255 as certified in the annual employee

recertification by February 1, 2016. **Ketner** asked what in the act made it retroactive; **Jeanquart** replied they are still trying to interpret it. **Knowles** added there is an issue as to whether the retroactivity language pertained to tax withholding on parking benefits as opposed to the transit allowance, which had been the case in 2013 with the extensions of certain benefits from the American Recovery and Reinvestment Act. **Ketner** asked if it will be the same as last year, to which **Jeanquart** replied retroactive benefits have not previously been provided. **Eckley** stated they have received retroactive benefits in FNCS in the past; **Knowles** stated he believed that was due to a grievance being filed by NTEU national against FNS, IRS and HHS for direct enforcement of explicit collective bargaining agreement language binding those agencies to transit benefit allocations. **Eckley** confirmed that was the case—they have contract language to cover this issue. **Patrick Wicklund**, AFSCME Local 3976 President, asked if there is an opportunity for pre-decisional involvement (PDI); **Knowles** responded he is not sure at what level the decision lies regarding retroactivity. **Wicklund** continued there would not seem to be many negotiability issues if it's the law. **Knowles** added they haven't yet heard from the budget side of OCFO regarding this issue. **Ed Rall**, FSA Acting Director, Economic and Policy Staff, stated he believed this should be referred to OGC since it's a legal issue, and he's not sure why it would be left to a budget person to interpret/decide. **Neha Hewitt**, OGC Attorney Advisor, indicated she would be happy to facilitate getting this issue to the right office in OGC. **Ketner** asked whether employees receive funds or a tax break; both **Knowles** and **Jeanquart** stated they are not sure at this time. With no further questions or comments, **Knowles** introduced **Chris Nelson**, OBPA's Supervisory Program Analyst, to give a presentation about the AgOpportunity Program.

**AgOpportunity Program:** **Nelson** began by stating that successes of the Blueprint for Stronger Service have been contingent on a community effort throughout the Department. In order to make that possible, we need to foster an environment in which employees across the Department are able to leverage talents/skills for different projects. **Nelson** indicated the AgOpportunity Program is a voluntary program that expands employee professional development by providing part-time projects that fit employees' skills, interests, and developmental goals. The USDA Office of the Chief Information Officer (OCIO) has been conducting a pilot for the past year with information technology specialists at USDA. **Nelson** introduced **Ted Kaouk**, OCIO Special Assistant to the Chief Information Officer and the Project Manager of the pilot, to discuss the program in greater detail. **Kaouk** stated detail opportunities have been used to address these types of situations in the past; AgOpportunity provides an option that hasn't been explored previously—the opportunity for employees to work up to 20% of the time on a project in an office other than their own, while remaining in their current position and work unit. The program falls into the arena of employee development and employee engagement, while offering a lot of applicability and flexibility. **Kaouk** indicated they partnered with GSA to use their existing Open Opportunity web site (at no cost to USDA) for managers to advertise a list of available projects and employees to apply for participation—somewhat similar to USAJobs. Four projects were developed during the pilot to which employees applied and were matched for participation; the last announcement resulted in 18 volunteers. **Wicklund** asked whether agencies that have authority for reimbursable money can use it for this program, and how an agency would post something on

the site. **Kaouk** responded to the first question by stating they haven't run into any funding/money issues during the pilot but will gladly help look into it as needed. With regard to the second question, **Kaouk** indicated he will send information to the group after the meeting on how to post/list a project. **Wicklund** asked if Schedule B's would be able to participate. **Nelson** interjected—there is a certain style for posting through the GSA web site that must be followed, and since these projects are for no more than 20% of an employee's time, there are no reimbursements; however, they would need to check on where the funds would originate for Schedule B employees. **Ketner** asked if GSA runs the web site; **Kaouk** stated the tool they're using is managed by GSA, but agencies are able to develop their own. For example, the Environmental Protection Agency (EPA) developed a different tool for managing a similar program. **Kaouk** indicated they wanted to determine the interest in the program before developing a separate tool for USDA. **Knowles** asked whether an agreement is signed with the manager/supervisor for an employee who participates. **Kaouk** responded the GSA process is very streamlined and an agreement has not been mandatory, but they realized there is a need to have some form of an agreement. **Ketner** commented it was previously mentioned as just for IT employees and wanted to know if it will be open to everyone; **Kaouk** responded it will be open to anyone. **Rall** asked whether there is a communications plan to push this out further; **Nelson** indicated the group is looking at the communication plan. **Kaouk** indicated they have talked to a number of different groups about the program and are trying to determine how to get it out to the masses, now that the pilot is done and they have results. **Nelson** added they are now in the process of building knowledge across the USDA; they have gone to other forums to present information about the program and if anyone in the group is aware of forums in their respective agencies with information or projects that would be suited to the AgOpportunity program, please let him or **Kaouk** know. With no other questions or comments on this topic, Knowles introduced **Ed Cierpial**, OHRM Employee Development Program Manager, to address the 2016 Federal Employee Viewpoint Survey.

**Upcoming 2016 Federal Employee Viewpoint Survey (FEVS):** **Cierpial** began his presentation indicating FEVS planning kicked off January 12, 2016. He stated the biggest change this year will be in agency organizational mapping—to be in compliance with OMB policy, all FEVS reports will be mapped to each SES within an agency. Therefore, levels 1-3 of the agency maps will not be allowed to be changed, but levels 4-5 can be changed, which is highly encouraged to get to the lowest level to encourage engagement efforts. **Cierpial** indicated they are still pending official union notification of the survey. He informed the group this is a sample year (not a census year), and the sample method will be the same as last year, i.e., an office with 50 employees and below will be census, an office with 51 employees and above will get sampled at the 30% level. Agencies with less than ten employees responding will not get a pre-generated report when the reporting period opens, their response data will get rolled up into the next level. The definition of employee is unchanged from last year—only full- and part-time employees will be sampled. The Wave 1 expected survey launch is the week of April 25-29, closing the week of June 6-10. Wave 2 is expected to launch the week of May 2-6, closing the week of June 13-17. (USDA has been in Wave 2 the past four years.) **Cierpial** shared the three questions submitted by the LMF from last year are expected to be included again this year. OPM indicated agency-specific question data is only releasable at USDA level 1 and will

not be released below that level for the 2015 Survey. However, OPM is considering trying to release it at a lower level for the 2016 Survey, but it would only be down to the sub-agency level (level 2). **Rall** commented the majority of their workforce (FSA county employees) has not been surveyed; **Cierpial** indicated there have been discussions with OPM about having county workers included since they are essentially Title 5 employees. **Wicklund** stated it is frustrating to their Administrator to not have Schedule B employees surveyed and he asked if it's possible to have them added. **Cierpial** responded that **Jeanquart** is spearheading those requests to OPM, and they are waiting for an answer from OPM about the FSA county employees; however, there has not yet been an effort from OHRM to request inclusion of Schedule B employees. **Wicklund** stated Schedule B employees represent over half of the agency. **Cierpial** commented there was a previous offer by an agency to pay to have all employees added to the survey group, but OPM indicated they cannot receive funds for that purpose. **Abbott** indicated the way they include these employees is to mirror the FEVS survey on Survey Monkey; **Cierpial** stated he understands that's not an ideal option, but it is a way to get the desired information/data. After a lengthy discussion among various members of the management team about the survey method, **Wicklund** stated it's a matter of dignity for Schedule B employees (of which he is one); it has an impact on morale and he is glad they will look into the opportunity to include these employees. **Ketner** asked why OPM does not include them. **Cierpial** responded it is because of the time limit on the Schedule B appointing authority, even though many appointments are extended and some employees remain on them long enough to retire. **Knowles** conveyed to **Wicklund** he would follow up with **Jeanquart** regarding the concern about Schedule B employees. With no further comments from the group about this topic, **Knowles** introduced **John DeCato**, Senior HR Specialist in the OHRM Policy Division, to discuss implementation of phased retirement.

**Phased Retirement Implementation:** **DeCato** began his presentation with a brief history. Congress passed the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (known as MAP-21) in June 2012; one aspect of MAP-21 was for OPM to implement procedures permitting employees to enter phased retirement. Phased retirement is designed to provide agencies a tool for succession planning, mentoring and knowledge transfer; it is not a mandatory employee benefit or right—it is discretionary for agencies to decide whether or not it is an appropriate tool to use. In June 2013, OPM published proposed regulations, and in August 2014 they published final regulations to be effective in November 2014. At the time the regulations were effective, USDA was unsure whether phased retirement was a viable tool and had not yet made a decision to implement it. **DeCato** indicated OHRM Policy was directed to write guidance around November-December 2014. They established a working group to include individuals from various agencies/locations and sent draft guidance to the MAHRDs in March 2015. After receipt of comments from the MAHRDs, the OHRM guidance was finalized in April 2015; however, the Department had still not decided whether to implement phased retirement. (**DeCato** stated one of the factors causing delays in USDA actions was the piecemeal manner in which OPM provided guidance and information to agencies; their final guidance was published in March 2015.) In May 2015, OHRM drafted a memo for the Office of the Assistant Secretary for Administration (ASA) outlining three options—don't implement, fully implement or implement a test (pilot) program. The ASA signed a memo in May 2015 documenting the

decision to implement a pilot program and soliciting MAHRDs for volunteers to test the pilot program from the first full pay period in 2016 through the last pay period in 2017. Responses to participate in the pilot program were received from FNCS, FS, NRCS and REE. The next step is for these agencies to develop implementation plans. **DeCato** stated plans have been received from FNCS, FS and REE; there was some confusion from NRCS and a plan has not yet been submitted, but is being developed. The FNCS plan has been reviewed and returned with comments; the plans from FS and REE are currently under review. **DeCato** added an additional complication in this process is the need for action from the National Finance Center (NFC) because of the impact on benefits, retirement, payroll processing, etc. **Ketner** asked if there is a deadline for agencies to return their implementation plans; **DeCato** indicated no deadline has been set. **Rall** and **Mark Rucker**, FSA Deputy Administrator for Management, both asked if it is too late to be a volunteer for the pilot; **DeCato** stated he will need to coordinate with **Jeanquart** for a response and will let them know. **DeCato** indicated it is quite a complex program and is not likely to be a favorable option for many agencies and/or employees. **Rall** wanted to know how a determination could be made about whether or not it's feasible if there's only hypothetical information available. **DeCato** stated recommendations will be made to **Jeanquart** based on feedback from the participating agencies; however, when you read available information about the impact to the employee, it doesn't appear to be an attractive option (in his opinion). **Wicklund** asked whether this is something suitable for PDI. **Eckley** responded it may be too late for PDI since the FNCS implementation plan has already been sent to OHRM; however, the plan doesn't include data that could help with any pass/fail determination. **Rall** asked whether there are any requirements for metrics in the implementation plans to help facilitate the ASA's decision about whether to adopt/move past the pilot. **DeCato** indicated none have currently been identified; feedback from participating agencies will provide the basis for the OHRM recommendation to the ASA. However, **DeCato** stated they may need to rewrite the policy guidance depending on results from pilot program. **Wicklund** commented there should be an opportunity for PDI to discuss lessons learned from the pilot program before making recommendations to the ASA. **Knowles** commented there should be metrics of some sort gathered during the pilot in order to judge the efficacy of the program. **DeCato** continued that he expects implementation plans to be in place by the next quarter. **Knowles** summarized the discussion on this topic by stating OHRM will (1) be standing up at least 3 of 4 mission areas who volunteered, (2) determine what type of information should be gathered during the pilot and (3) identify whether another agency could be added to the pilot program. **Knowles** then moved on to the Open Microphone portion of the agenda.

**Open Microphone:** **Knowles** first referred to the copy of the LMF progress report sent to OPM on December 31, 2015, which was being distributed to participants in the room. It is an annual report due to OPM and captures metrics reports from USDA agencies. **Knowles** then shared a few observations from the National Council on Federal Labor-Management Relations meeting he attended earlier that day. The Council Chair and Acting OPM Director, Beth Cobert, opened the session with an update on the OPM data breach incidents, which are now being referred to as a "malicious cyber intrusion." She reiterated OPM has completed initial mailing for the first incident and a verification center has been set up for individuals to contact if they haven't received a notice or are unable to register for monitoring using the PIN they were



provided. She also fielded a question about long-term credit monitoring (since the budget law enacted in December 2015 requires OPM to provide identity theft protection and monitoring services to affected individuals for 10 years)—OPM and the Office of Management and Budget (OMB) are currently looking at contract bidding; they recognize they are responsible, but just not sure how to do it. **Knowles** then queried the forum members about who received the all-USDA email sent yesterday (January 19, 2016) on this topic—**Eckley** and **Phil Brown**, FSIS Labor Relations Officer, indicated they had not, although **Abbott** (also from FSIS) indicated he did receive it. **Knowles** moved onto a request he recently received from OMB for comments on a bill currently being sponsored (HR-4360, Official Personnel File Enhancement Act) that would require an employee who leaves government service while under personnel investigation to have information about the investigation placed in their Official Personnel File (OPF), and the investigation must be completed prior to re-hiring the employee. **Knowles** indicated he has concerns from both a personal and professional perspective, and will share the comments he provides with the group. **Knowles** then yielded the floor to **Ketner**, who indicated he didn't have anything to share.

**Wrap Up and Confirmation of Remaining 2016 Meeting Dates:** **Knowles** informed the group the next meeting is scheduled for April 20, 2016 and thanked everyone for their participation.

**Adjournment:** The meeting adjourned at approximately 2:40 p.m.